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8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 Estate of Thomas Kail, by and through Sonia
11 Kail as Special Administrator; Sonia Kail (an
12 individual, Jolene Kail (an individual); Jon
Kail (an individual);

13 Plaintiffs,

14 v.

15 United States of America,

16 Defendant.

Case No. 2:20-cv-01262-APG-BNW

**Stipulation and Order to Amend
Discovery Plan and Extend Deadlines
(First Request)**

17 Pursuant to Local Rules IA 6-1 and 26-4, Plaintiffs, Sonia Kail as Special
18 Administrator of the Estate of Thomas Kail; Sonia Kail (an individual); Jolene Kail (an
19 individual); and Jon Kail (an individual), and Defendant, United States of America,
20 through counsel, submit the following Stipulation to Extend Deadlines 90 days. This is the
21 first request for an extension of case deadlines.

22 **A. Discovery Completed:**

- 23 1. The parties have exchanged Rule 26(a) disclosures.
24 2. The United States served written discovery requests including Requests for
25 Production and Interrogatories on Plaintiffs.

26 **B. Discovery Remaining:**

- 27 1. The parties may serve additional written discovery and plan to conduct
28 depositions of the Plaintiffs, the decedent's treating medical providers, and others.

2. The United States will subpoena the decedent's medical records from health care providers and the parties will continue to supplement their initial disclosures.

3. In addition, the parties will designate and depose retained and non-retained medical experts, if applicable.

C. Need for Extension of Discovery Plan:

Plaintiffs filed their First Amended Complaint on October 9, 2020. The United States filed its Answer on December 7, 2020. On January 12, 2021, the parties filed their Stipulated Discovery Plan and Scheduling Order. On January 15, 2021, the Court approved the parties Stipulated Discovery Plan and entered its Scheduling Order.

The parties continue to experience disruptions caused by the global COVID-19 pandemic. The attorneys and staff at the U.S. Attorney's Office are required to work remotely, with limited support staff, until further notice. Consequently, counsel for the United States has experienced delays in hiring experts. Additionally, the parties anticipate difficulty scheduling depositions particularly for treating physicians and expert witnesses.

D. Proposed New Discovery Schedule:

1. Discovery Cutoff Date: Discovery cutoff is currently scheduled for September 3, 2021, and will be extended to **December 2, 2021**.

2. Amended Pleadings Adding Parties: The deadline to amend the pleadings or add parties is currently scheduled for June 7, 2021, and will be extended to **September 6, 2021**.

3. Expert Disclosures: Initial expert disclosures currently due on July 5, 2021, will be extended to **October 4, 2021**; and rebuttal expert disclosures currently due August 4, 2021, will be extended to **November 2, 2021**.

4. Dispositive Motions: Dispositive motions currently due October 4, 2021, will be extended to **January 3, 2022**, which is 30 days after discovery cutoff on a day not falling on a weekend.

5. Pre-Trial Order: A Joint Pretrial Order shall be filed by **February 2, 2022**, which is 30 days after the deadline for filing dispositive motions. However, if any dispositive motions are filed, the Joint Pretrial Order shall be due 30 days after decision on such

1 motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be
2 included in the Joint Pretrial Order.

3 Respectfully submitted this 10th day of May 2021.

4 PAUL PADDA LAW

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United States Attorney

6 /s/ Paul S. Padda

/s/ Skyler Pearson

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11 **IT IS SO ORDERED**

12 

13 **UNITED STATES MAGISTRATE JUDGE**

14 **DATED:** May 14, 2021